

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**CASE NO.: 2:16-cr-30
JUDGE SMITH
MAGISTRATE JUDGE KEMP**

TOBY LEE THACKER,

Defendant.

ORDER

On March 7, 2016, the Magistrate Judge issued a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1), recommending that the Court accept the Defendant's guilty plea to Count One of the Information charging him with knowingly selling and using for profit the human remains of a Native American, without the right of possession to those remains as provided in the Native American Graves Protection and Repatriation Act, 25 U.S.C. §§ 3001, *et seq.*, in violation of 18 U.S.C. § 1170(a). Defendant, represented by counsel, waived his right to appear on the matter before a District Judge. The Magistrate Judge conducted the colloquy required by Rule 11 of the Federal Rules of Criminal Procedure. Defendant's plea was knowing, voluntary, free from coercion, and had a basis in fact.

Defendant was specifically informed of his right to contest the Report and Recommendation by filing any objections within 14 days of the issuance of the Report and Recommendation pursuant to 28 U.S.C. §636(b)(1)(B) and Rule 72(b) of the Federal Rules of Civil Procedure. Defendant did not file any objections.

Accordingly, the Court **ADOPTS** the Report and Recommendation and **ACCEPTS** Defendant's plea of guilty to Count One of the Information. Defendant is hereby adjudged guilty of knowingly selling and using for profit the human remains of a Native American.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT
